

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DEVON L. VICKERS, and MARK P. VICKERS,**

**Plaintiffs,**

**V.**

**PAUL M. WILLETTE, M.D., and  
BOX BUTTE GENERAL  
HOSPITAL,**

## Defendants.

**8:13CV105**

## ORDER

Defendant Box Butte General Hospital (“Box Butte”) and Defendant Paul M. Willette, M.D. (“Willette”) have filed motions requesting that Plaintiffs’ demand for a jury trial be stricken. (Filings [16](#) & [18](#).) Defendants maintain that Plaintiffs are not entitled to a jury trial under the Nebraska Political Subdivisions Tort Claims Act, [Neb. Rev. Stat. § 13-907](#), because the State of Nebraska has not abrogated governmental immunity to permit a jury trial against its political subdivisions. Plaintiffs have not respond to Defendants’ motions.

Section 13-907 of the Nebraska Political Subdivisions Tort Claims Act provides:

Jurisdiction, venue, procedure, and rights of appeal in all suits brought under the Political Subdivisions Tort Claims Act . . . shall be determined in the same manner as if the suits involved private individuals, *except that such suits shall be heard and determined by the appropriate court without a jury.*

[Neb. Rev. Stat. 13-907](#) (emphasis added). It is undisputed that Box Butte is a political subdivision of the State of Nebraska and that Willette is an employee of Box Butte. ([Filing 1.](#)) Plaintiffs' Complaint also references Plaintiffs' attempts to comply with the Act's filing requirements as to Box Butte. (*Id.*) Plaintiffs have not responded to Defendants' motions and have not provided the Court with any authority supporting a right to jury trial in this case.

Accordingly,

**IT IS ORDERED:**

1. Defendant Box Butte General Hospital's Motion to Strike Plaintiffs' Demand for Jury Trial ([filing 16](#)) is granted.
2. Defendant Paul M. Willette, M.D.'s Motion to Strike Plaintiffs' Demand for Jury Trial ([filing 18](#)) is granted.
3. Plaintiffs' demand for a jury trial is hereby stricken.

**DATED September 11, 2013.**

**BY THE COURT:**

**S/ F.A. Gossett  
United States Magistrate Judge**